

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

RICHTEK TECHNOLOGY
CORPORATION, and RICHTEK
USA, INC.,

Plaintiffs,

v.

uPI SEMICONDUCTOR
CORPORATION, *et al.*,

Defendants.

No. C 09-05659 WHA

**ORDER GRANTING IN PART
AND DENYING IN PART
MOTION TO LIFT STAY AND
TRANSFER ITC RECORD**

A mandatory stay was issued in this action on January 19, 2010, pending the final determination by the United States International Trade Commission (“ITC”) in the matter of *Certain DC-DC Controllers and Products Containing the Same*, Investigation No. 337-TA-698 (Dkt. No. 22). On September 15, plaintiffs moved to lift the stay due to the termination of the ITC’s investigation on September 9 (Dkt. No. 70). In that same motion, plaintiffs also asked the Court to request a transfer of the ITC’s record in the investigation for use in the instant case. Defendants were ordered to file an opposition by September 30.


In its filing, defendant uPI Semiconductor Corporation — the only defendant who filed an opposition to plaintiffs’ motion — expressly stated that it did *not* oppose the request to lift the stay. With respect to transferring the ITC’s record in the investigation for use in the instant case, however, uPI Semiconductor pointed out that the ITC’s record was subject to a protective order

1 (issued by the administrative law judge who presided over the investigation) because it contained
2 confidential business information from the eight respondents in the ITC's investigation. Only two
3 of those respondents, however, are parties in the instant action. The remaining parties in the
4 instant action were *not* respondents in the ITC's investigation and were therefore non-signatories
5 to the ALJ's protective order. In short, there are at least six ITC respondents who produced
6 confidential business information in the ITC investigation who are *not* parties to the instant
7 action. These non-parties have not, and may not ever, consent to the transfer of their confidential
8 business information for use in this action.

9 Given these unresolved issues regarding the confidential business information of non-
10 parties in the record of the ITC's investigation, plaintiffs' request for the Court to order the
11 transfer of the ITC's record in the investigation for use in the instant case is **DENIED**. This denial
12 is without prejudice to the parties meeting and conferring and proposing a fair and proper way to
13 handle these issues, including crafting a new protective order that addresses the concerns raised
14 herein. As for plaintiffs' motion to lift the stay, that request is **GRANTED**.

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16 **IT IS SO ORDERED.**

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18 Dated: October 4, 2010.

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20 WILLIAM ALSUP
21 UNITED STATES DISTRICT JUDGE
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